

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

| | | |
|---------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. 1:04CR099 |
| |) | |
| Plaintiff, |) | JUDGE ADAMS |
| |) | |
| v. |) | |
| |) | |
| NICHOLAS J. TRIANA, JR., |) | <u>FINAL ORDER OF FORFEITURE</u> |
| |) | |
| Defendant. |) | |

1. On March 3, 2004, a federal grand jury sitting in this district returned a five count Indictment against Nicholas J. Triana, Jr., charging him with violations of 18 U.S.C. §§ 371, 1001, 1014, 1344 and 1347.

2. The Indictment further sought the forfeiture, pursuant to 18 U.S.C. § 982, of "any and all property constituting or derived from any proceeds [Triana] obtained directly or indirectly as a result of the said violations, including, but not limited to: Real Property Located at 21821 Libby Road, Bedford Heights, Ohio, including All Fixtures, Improvements and Appurtenances (Permanent Parcel No. 791 18 032)."

05 JUN-9 PM 3:14
FBI - CINCINNATI
SEARCHED INDEXED SERIALIZED FILED

3. On September 20, 2004, after a jury trial, Nicholas J. Triana, Jr., was found guilty of Counts 1 through 4 of the Indictment.

4. On December 21, 2004, Nicholas J. Triana, Jr., agreed to forfeit ownership and all interest in the following properties to the United States:

- a. Real Property located at 21821 Libby Road, Bedford Heights, Ohio (Permanent Parcel No. 791-18-032), titled to Nicholas Triana DPM, Inc.;
- b. Real Property located at 4912 East 106th Street, Garfield Heights, Ohio (Permanent Parcel No. 544-07-065), titled to Nicholas J. Triana, Jr.; and,
- c. Real Property located at 509 Lakeshore Drive, Port Clinton, Ohio (Permanent Parcel No. 021-05717-07773-035), titled to Nicholas J. Triana.

Triana further agreed that the above properties were involved in and/or are the proceeds of the conduct for which he was charged and found guilty of and are, therefore, subject to forfeiture under 18 U.S.C. § 982.

5. The United States published notification of the Court's Preliminary Order of Forfeiture in the Cleveland Daily Legal News on February 11, February 18, and February 25, 2005. Said published notice advised all third parties of their right to petition the court within thirty (30) days of the publication date for a hearing to adjudicate the validity of their alleged legal interest in the subject assets.

2005-06-09 10:45:45 -04'00' (EDT)

6. First Federal Savings and Loan Association of Lakewood filed a petition in this case on February 28, 2005. The United States recognizes First Federal Savings and Loan Association of Lakewood has a valid lien on the property located at 509 Lakeshore Drive, Port Clinton, Ohio (Permanent Parcel Number: 021-05717-07773-035); and the property located at 21821 Libby Road, Bedford Heights, Ohio (Permanent Parcel Number: 791-18-032). Said liens will be paid out of the sale proceeds of the properties in accordance with law.

7. MidFirst Bank filed a petition in this case on March 14, 2005. The United States recognizes MidFirst Bank has a valid lien on the property located at 4912 East 106th Street, Garfield Heights, Ohio (Parcel Number: 544-07-065). Said lien will be paid out of the sale proceeds of the property in accordance with law.

8. No other claims were made to the initially forfeited assets.

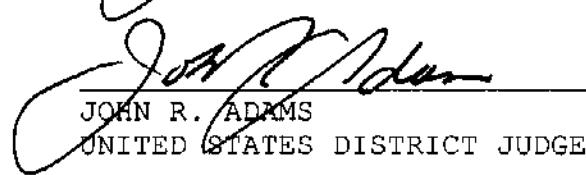
It is HEREBY ORDERED, ADJUDGED and DECREED:

The following assets are finally forfeited to the United States, pursuant to 18 U.S.C. § 982, for disposition in accordance with law:

- a. Real Property located at 21821 Libby Road, Bedford Heights, Ohio (Permanent Parcel No. 791-18-032);
- b. Real Property located at 4912 East 106th Street, Garfield Heights, Ohio (Permanent Parcel No. 544-07-065); and,

c. Real Property located at 509 Lakeshore Drive, Port Clinton, Ohio (Permanent Parcel No. 021-05717-07773-035).

IT IS SO ORDERED this 9th day of June, 2005.


JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE